

# You should know...

North Dakota Public Service Commission

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North Dakota Public  
Service Commission

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## Energy Conversion and Transmission Facility Siting

### What is siting?

Siting is the process used by the Public Service Commission to permit energy conversion and transmission facilities. The process is used to ensure that the location, construction, and operation of energy conversion facilities and transmission facilities will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota. A utility may not begin construction of an energy conversion facility or transmission facility, or exercise the right of eminent domain in connection with that construction, without first having obtained a certificate of site compatibility or a route permit from the commission.

### What is an energy conversion facility?

- Generation by wind energy conversion exceeding one-half megawatt of electricity;
- Generation by any means other than wind energy conversion exceeding 50 megawatts of electricity;
- Manufacture or refinement of 100 million cubic feet or more of gas per day, regardless of the end use of the gas;
- Manufacture or refinement of 50 thousand barrels or more of liquid hydrocarbon products per day; or
- Enrichment of uranium materials.

### What is transmission?

- An electric transmission line and associated facilities with a design in excess of 115kV;
- A gas or liquid transmission line and as-

sociated facilities designed for or capable of transporting coal, gas, liquid hydrocarbons, liquid hydrocarbon products, or carbon dioxide; or

- A liquid transmission line and associated facilities designed for or capable of transporting water from or to an energy conversion facility.

### Transmission is not:

- A temporary transmission line loop that is:
  - Connected and adjacent to an existing transmission facility that was sited;
  - Within the corridor of the sited facility and does not cross known exclusion or avoidance areas; and
  - In place for less than one year. A transmission line that is less than one mile (1.61 kilometers) long;
- An oil or gas pipeline gathering system;
- A pipeline with an outside diameter of four and one-half inches (11.43 centimeters) or less that will not be trenched and will be plowed in with a power mechanism having a vertical knife or horizontally directionally drilled, and its associated facilities; or
- A pipeline that is less than one mile (1.61 kilometers) long.

### What is a corridor?

A corridor is the general location of a transmission facility.

### What is a route?

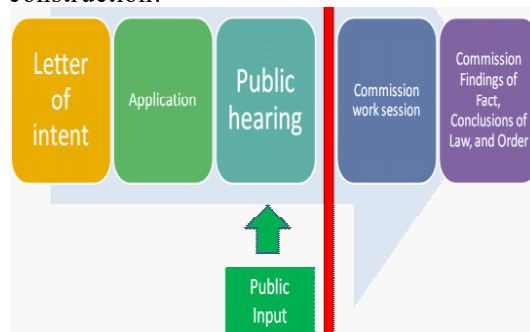
A route is the specific location of a transmission facility within a designated corridor.

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# Energy Conversion and Transmission Facility Siting

## How does an applicant get a certificate of site compatibility or a corridor and route permit from the Public Service commission?

The applicant must file a letter of intent with the commission at least one year prior to the filing of an application for a certificate unless a shorter period is requested in writing and approved by the commission. The letter of intent must contain a description of the size and type of facility, and the area to be served; a map of the study area for the proposed site or corridor; the anticipated construction and operation schedule; and an estimate of the total cost of construction.



After the letter of intent has been acknowledged by the commission, the application must be filed by the applicant. The application must contain all information required by North Dakota Century Code chapter 49-22 and North Dakota Administrative Code chapter 69-06-04 and chapter 69-06-05.

After the commission determines that the application is complete, the commission serves a notice of filing of the application on various state agencies, local government officials, legislators, and others. The Commission also publishes a notice of filing of the application in the official newspaper of each county in which any portion of the site or corridor is proposed to be located. The commission then holds a public hearing in the county or counties where the project is located. If a project is located in more than one county, the

commission may hold a consolidated hearing in one county. Public input is a crucial part of the hearing process. Any comments from members of the public must be received at the hearing to be part of the official record. If you have a statement or question about a project, you are encouraged to attend the hearing and present the information. If the commission receives the information after the hearing, the commissioners may not consider the information as part of the official record and cannot use the information in making their decision on the application. In extraordinary circumstances the commission can follow appropriate administrative procedures to allow the information in to the record.

Following the public hearing, the commission holds a work session with staff to discuss the filing and the draft Findings of Fact, Conclusions of Law, and Order. After the work session, commission staff finalize the Findings of Fact, Conclusions of Law, and Order based on direction from the commission, and it is placed on the commission agenda for approval.

The commission designates a site or corridor for a proposed facility based on the evidence presented at the hearing, an evaluation of the information provided in the application, the exclusion areas, avoidance areas, selection criteria, and policy criteria established by the commission and set out in the North Dakota Administrative Code, and other considerations set out in the law and rules. The designation must be made no later than six months after the filing of a completed application for a certificate of site compatibility or no later than three months after the filing of a completed application for a certificate of corridor compatibility. The time for designation of a site or corridor may be extended by the commission for just cause. Upon designation of a site or corridor, the commission shall issue a certificate of site compatibility or a certificate of corridor compatibility with such terms, conditions, or modifications deemed necessary.